

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
H.T. THAN  
THE H.T. THAN LAW GROUP  
1010 WISCONSIN AVENUE, NW,  
SUITE 560  
WASHINGTON, DC 20007

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

**PCT/US04/25426**

MAY 31 2006

Applicant's or agent's file reference BIC-016.PCT		Date of mailing (day/month/year)
International application No. PCT/US04/25426		FOR FURTHER ACTION See paragraphs 1 and 4 below
Applicant SOCIETE BIC		International filing date (day/month/year) 26 July 2004 (26.07.2004)

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19: The applicant is entitled, if he so wishes, to amend the claim of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90b/s.1 and 90b/s.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer KEVIN L. LEAHY <i>Kevin L. Leahy</i> Telephone No. (571) 272-3750
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# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
H.T. THAN

THE H.T. THAN LAW GROUP  
1010 WISCONSIN AVENUE, NW,  
SUITE 560  
WASHINGTON, DC 20007

**PCT**

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing **30 MAY 2006**  
(day/month/year)

Applicant's or agent's file reference  
BIC-016.PCT

**FOR FURTHER ACTION** See paragraphs 1 and 4 below

International application No.  
PCT/US04/25426

International filing date  
(day/month/year) 26 July 2004 (26.07.2004)

Applicant  
SOCIETE BIC

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

**For more detailed instructions, see the notes on the accompanying sheet.**

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90*bis*.1 and 90*bis*.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 26 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
Facsimile No. (571) 273-3201

Authorized officer

KEVIN L. LEAHY  
Telephone No. (571) 272-3750

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference BIC-016.PCT	<b>FOR FURTHER ACTION</b> <small>see Form PCT/ISA/220 as well as, where applicable, item 5 below.</small>	
International application No. PCT/US04/25426	International filing date ( <i>day/month/year</i> ) 26 July 2004 (26.07.2004)	(Earliest) Priority Date ( <i>day/month/year</i> ) 29 July 2003 (29.07.2003)
Applicant SOCIETE BIC		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 7 sheets.  
☒ It is also accompanied by a copy of each prior art document cited in this report.

1. **Basis of the Report**
  - a. **With regard to the language,** the international search was carried out on the basis of:
 

☒ the international application in the language in which it was filed.
 

☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))
  - b. ☐ **With regard to any nucleotide and/or amino acid sequence disclosed in the international application,** see Box No. I.
  2. ☐ **Certain claims were found unsearchable** (See Box No. II)
  3. ☐ **Unity of invention is lacking** (See Box No. III)
  4. ☒ **With regard to the title,**

☐ the text is approved as submitted by the applicant.
 

☐ the text has been established by this Authority to read as follows:

5. **With regard to the abstract,**

☒ the text is approved as submitted by the applicant.
 

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.
6. **With regard to the drawings,**
  - a. **the figure of the drawings to be published with the abstract is Figure No. I(a)**

☒ as suggested by the applicant.
 

☐ as selected by this Authority, because the applicant failed to suggest a figure.
  - b. ☐ **none of the figures is to be published with the abstract.**

☐ as selected by this Authority, because this figure better characterizes the invention.
 

☐ as selected by this Authority, because this figure better characterizes the invention.

## INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US04/25426A. CLASSIFICATION OF SUBJECT MATTER  
IPC: F16L 37/28 (2006.01), 37/32 (2006.01)USPC: 137/614.03, 614.04, 614  
According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
U.S.: 137/614.03, 614.04, 614Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  
NONEElectronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
NONE

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 4,911,203 A (GARMS) 27 March 1990 (27.03.1990), column 1, line 65 thru column 2, line 40.	1-7, 13-20, 22, 23, 26, 34-36 and 45-47
Y		15
X	US 4,327,770 A (BROWN et al) 04 May 1982 (04.05.1982), column 3, line 38 thru column 4, line 47.	1-3, 5-7, 13-16, 24, 25, 27-30, 34, 46 and 47
X	US 5,564,471 A (WILDER et al) 15 October 1996 (15.10.1996), column 5, lines 5-45.	1-3, 5-7, 12, 24, 25 and 34-36

☐ Further documents are listed in the continuation of Box C.

\* Special categories of cited documents:

"A"	document defining the general state of the art which is not considered to be of particular relevance	"T"	See patent family annex. Inter document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E"	earlier application or patent published on or after the international filing date	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L"	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O"	document referring to an oral disclosure, use, exhibition or other means	"Z"	document member of the same patent family
"P"	document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search  
27 April 2006 (27.04.2006)Date of mailing of the international search report  
30 MAY 2006

Name and mailing address of the ISA/US

Mail Stop PCT, Attn: ISA/US  
Commissioner for PatentsP.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (571) 273-3201

Authorized officer  
KEVIN L. LEE  
Telephone No. (571) 272-3750

# PATENT COOPERATION TREATY

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To:  
H.T. THAN  
THE H.T. THAN LAW GROUP  
1010 WISCONSIN AVENUE, N.W.  
SUITE 560  
WASHINGTON, DC 20007

## PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing  
(day/month/year)

30 MAY 2006

FOR FURTHER ACTION

See paragraph 2 below

Applicant's or agent's file reference  
BIC-016.PCT

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/25426

26 July 2004 (26.07.2004)

29 July 2003 (29.07.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC: F16L 37/28( 2006.01), 37/32( 2006.01)

USPC: 137/614.03, 614.04, 614

Applicant

SOCIETE BIC

### 1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(2) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Date of completion of this opinion

11 May 2006 (11.05.2006)

Authorized official

KEVIN L. LEE  
Telephone No. (571) 272-3750

Facsimile No. (571) 273-3201

Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/25426

Box No. 1 Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:  
☒ the international application in the language in which it was filed  
☐ a translation of the international application into \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
- a. type of material  
☐ a sequence listing  
☐ table(s) related to the sequence listing
- b. format of material  
☐ on paper  
☐ in electronic form
- c. time of filing/furnishing  
☐ contained in the international application as filed.  
☐ filed together with the international application in electronic form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/25426

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

I. Statement

Novelty (N)

Claims 8-11, 21, 31-33, 37-44 and 48-98 YES  
Claims 1-7, 12-20, 22-30, 34-36 and 45-47 NO

Inventive step (IS)

Claims 8-11, 31-33, 37-44 and 48-98 YES  
Claims 1-7, 12-15, 16-30, 34-36 and 45-47 NO

Industrial applicability (IA)

Claims 1-98 YES  
Claims NONE NO

2. Citations and explanations:  
Please See Continuation Sheet

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/25426

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:  
In claims 27 and 33, the recitations of "the space" and "the filler material," respectively, lack antecedent basis.



WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/25426

Supplemental Box  
In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1-7, 13-20, 22, 23, 26, 34-36 and 45-47 lack novelty under PCT Article 33(2) as being anticipated by Garms. Garms teaches a valve comprising a first valve component (12) and a second valve component (14), the components each connectable to either a fuel supply or a fuel cell, each valve component having a biased slidable inner body (30, 42). The slidable inner body (42) is a sphere that engages a seal (48).

Claims 1-3, 5-7, 13-16, 24, 25, 27-30, 34, 46 and 47 lack novelty under PCT Article 33(2) as being anticipated by Brown et al. Brown et al teaches a valve comprising a first valve component (28) and a second valve component (30), the components each connectable to either a fuel supply or a fuel cell, each valve component having a biased slidable inner body (38, 98).

Claims 1-3, 5-7, 12, 24, 25 and 34-36 lack novelty under PCT Article 33(2) as being anticipated by Wilder et al. Wilder et al teaches a valve comprising a first valve component (22) and a second valve component (24), the components each connectable to either a fuel supply or a fuel cell, each valve component having a biased slidable inner body (38, 98). The seal (72) on the housing (36) of the valve component (22) provides an inter-component seal with the housing (28) of the valve component (24).

Claim 21 lacks and inventive step under PCT Article 33(3) as being obvious over Garms. It would not have involved an inventive step to form the ball valve (42) out of an elastomeric material to provide a lightweight valve.

Claims 8-11, 21, 31-33, 37-44 and 48-98 have novelty under PCT Article 33(2) because the prior art, taken singly, does not teach or fairly suggest the invention as claimed.

Claims 8-11 meet the criteria set out in PCT Article 33(3) because the prior art does not teach or fairly suggest providing an elastomeric spring in a valve coupling comprising a first and second valve component wherein each component has a biased slidable inner body cooperating with a sealing member.

Claims 31-33 and 85-88 meet the criteria set out in PCT Article 33(3) because the prior art does not teach or fairly suggest providing a fluid retention material capable of retaining liquid in at least one of the valve components of a valve comprising first and second valve components.

Claims 37, 38 and 89 meet the criteria set out in PCT Article 33(3) because the prior art does not teach or fairly suggest a valve

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US04/25426

**Supplemental Box**  
**In case the space in any of the preceding boxes is not sufficient.**

comprising a first and second valve component, the valve components each having a slidable inner body cooperating with a sealing member to form an internal seal, the internal seals being opened or provided by a pump.

Claims 39-42 and 79-84 meet the criteria set out in PCT Article 33(3) because the prior art does not teach or fairly suggest a valve comprising a first and second valve component, the valve components each having a slidable inner body cooperating with a sealing member to form an internal seal, the valve further comprising at least one of the valve components having a second internal seal. The second internal seal comprises a duckbill valve.

Claims 43, 44 and 90-98 meet the criteria set out in PCT Article 33(3) because the prior art does not teach or fairly suggest a valve comprising a first and second valve component, the valve components each having a slidable inner body cooperating with a sealing member to form an internal seal, the valve further comprising a leading member sized and dimensioned to limit access to the internal seal.

Claims 48-50 meet the criteria set out in PCT Article 33(3) because the prior art does not teach or fairly suggest a valve comprising a first and second valve component, the valve components each having a slidable inner body cooperating with a sealing member to form an internal seal, the valve further including a covering member for at least one of the valve components.

Claims 51-78 meet the criteria set out in PCT Article 33(3) because the prior art does not teach or fairly suggest providing a filler material in a valve comprising a first and second valve component, the valve components each having a biased sleeve, the filler material contained within each sleeve to form a fluid flow path through the valve when the valve components are coupled together.

Claims 1-98 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English. It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)".

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/ISA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1(b)(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

If the applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g., the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

#### What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

**When ?** Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been filed, see below.

#### How ?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments ?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.